

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
MAY 7, 2012 – 3:00 PM**

**J. NEWTON COHEN, SR. ROOM
J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING**
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Present: Chad Mitchell, Chairman
Carl Ford, Vice-Chairman
Jon Barber, Member
Raymond Coltrain, Member
Jim Sides, Member

County Manager Gary Page, Clerk to the Board Carolyn Athey, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Mitchell convened the meeting at 3:00 pm.

Commissioner Ford provided the Invocation and also led the Pledge of Allegiance.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the minutes of the February 29, 2012, April 2, 2012 and April 16, 2012 Commission Meetings passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

There were no additions to the agenda.

CONSIDER DELETIONS FROM THE AGENDA

Commissioner Sides made a motion that Item B on the Consent Agenda (Consider Approval of Juvenile Crime Prevention Council Bylaw Amendments) be removed and referred to the County Attorney. The motion was seconded by Commissioner Barber and passed unanimously.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Ford moved, Commissioner Barber seconded and the vote to approve the agenda passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Chairman Mitchell moved Item A to the regular agenda for discussion. The issue would be discussed as Item #2b.

Commissioner Barber moved approval of the Consent Agenda. The motion was seconded by Commissioner Sides and passed unanimously.

The Consent Agenda consisted of the following:

- A. Juvenile Crime Prevention Council Funding Recommendations for FY 2012-13 (moved to agenda Item #2b for discussion)
- B. Consider Approval of Juvenile Crime Prevention Council Bylaw Amendments (deleted from agenda and referred to County Attorney)
- C. Proclamation Establishing May as Shield-A-Badge With Prayer Awareness Month
- D. Proclamation Declaring May 13-19, 2012 as Law Enforcement Week
- E. Proclamation Declaring May 19, 2012 as Let's Get Connected Day
- F. Acceptance of Edward Byrne Memorial Justice Assistance Grant
- G. Acceptance of Interoperable Communications Grant Award
- H. Surplus Property Consideration and Donation to Rockwell Rural Fire Department and Rowan Cabarrus Community College
- I. Resolution of Support for NCDOT to Realign Intersection of Harrison Road and Sherrill's Ford Road
- J. Proclamation Declaring May 20-26, 2012 as Emergency Medical Services Week
- K. Award Contract to Martin Starnes & Associates, CPA for Auditing Services
- L. Set Public Hearing for May 21, 2012 for Special Consideration of Address Change from 101 A. Bare Street to 501 Carter Street
- M. Set Public Hearings for May 21, 2012 for Special Consideration for the following Proposed Road Names: Pacific Drive, High Fields Drive, California Drive and Amberjack Drive
- N. Set Public Hearing for May 21, 2012 for Z 04-12

2. PUBLIC COMMENT PERIOD

Chairman Mitchell opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individuals came forward:

- Nancy Lund spoke in opposition to the Board's position on opening meetings with sectarian prayer.
- Larry Wright spoke in support of the marriage amendment on the May 8, 2012 election ballot.

With no one else wishing to address the Board, Chairman Mitchell closed the Public Comment Period.

2b. Juvenile Crime Prevention Council Funding Recommendations for FY 2012-13

Chairman Mitchell said there were two (2) applicants that requested funding through the Juvenile Crime Prevention Council (JCPC) that did not receive a favorable recommendation for funding by the JCPC. Chairman Mitchell pointed out the Adolescent and Family Enrichment Council (AFEC) did not receive the full amount of its' funding request. Chairman Mitchell said AFEC requested \$107,478; however, the JCPC only recommended funding the agency in the amount of \$71,612.

At Chairman Mitchell's request, Lisa Kraft, JCPC Chair, came forward and discussed the recommended allocations. Ms. Kraft also expressed concern that funds were recommended to agencies for health insurance costs, etc., as opposed to utilizing the funds to provide actual services.

Chairman Mitchell said he had a problem with the fact that funding did not go towards preventing juvenile crime. Chairman Mitchell said the State's rules for use of the funds were strict and did not provide the JCPC with a huge amount of flexibility in what could be funded. Chairman Mitchell said he wished the State would change the rules.

In response to an inquiry from Commissioner Coltrain, Ms. Kraft explained that AFEC had sought additional monies to bring in another parenting component to their program.

Commissioner Barber said the issue mentioned by Chairman Mitchell with "prevention" was recurring each year and changes would have to occur with the momentum of legislators statewide.

Commissioner Barber moved to accept the budget recommendations of the JCPC as presented. Commissioner Sides seconded and the motion passed unanimously.

3. PUBLIC HEARING FOR Z 03-12

Andy Goodall, Chief Zoning Officer, provided a power point presentation and the Staff Report for Z 03-12. Mr. Goodall said Fred and Ethel Wallace owned tax parcel 249-008-01 located between the intersection of Therrell Road/Park Edwards Road and Wyoming Drive/Park Edwards Road in southwestern Rowan County. Mr. Goodall explained that the majority of the 8.78 acre parcel was zoned RA with the exception of 3.27 acres zoned Manufactured Home Park (MHP). Mr. Goodall said there were currently four (4) residences on the lot that were mobile homes. Mr. Goodall said despite the mobile homes, there was no evidence during the site visit, that the parcel was being used as a manufactured home park.

Mr. Goodall stated Planning Staff had been approached by Mel Thompson and Associated about creating several one (1) acre parcels off of the parent parcel for the Wallace's children. Mr. Goodall said this would include creating separate tax parcels for the two (2) residences in the MHP zoned section of the property. Mr. Goodall said that while subdivisions were permitted in the MHP zoning district, they would be subject to increased minimum lot sizes (6 acres) and setback distances compared to those in the RA zoning district.

Mr. Goodall said the Wallace's son, Michael Wallace was requesting that the 3.27 acre MHP zoning district on tax parcel 249 008-01 be rezoned to RA.

Mr. Goodall said the Planning Board voted unanimously to recommend approval based upon the consistency with the definition for the RA district and the recommendations in the Western Area Land Use Plan.

Chairman Mitchell opened the public hearing to receive citizen input regarding the requested rezoning.

With no one wishing to address the Board, Chairman Mitchell closed the public hearing.

Commissioner Barber moved to adopt the Statement of Consistency as presented by Staff. The motion was seconded by Commissioner Sides. The Statement of Consistency was submitted as follows: The proposed rezoning is consistent with the definition for the Rural Agricultural (RA) district and the recommendations in the Western Area Land Use Plan.

Commissioner Barber moved to approve Z 03-12. The motion was seconded by Commissioner Sides and passed unanimously.

4. CONSIDER APPROVAL OF REVISED STREET APPENDIX

Senior Planner Shane Stewart provided a power point presentation to describe the Revised Street Appendix. Mr. Stewart reported that in the late 1990's there were three (3) separate thoroughfare plans devised for Rowan County's jurisdictional areas. Mr. Stewart reported that the thoroughfare plans were developed by the North Carolina Department of Transportation (DOT) in conjunction with the respective local governments through a mutual adoption process for the maps and supporting documentation. Mr. Stewart said the plans identified existing and proposed thoroughfares along with future right of way widths and cross sections intended to be used as a guide in making land use decisions.

Mr. Stewart said DOT had since migrated from the old thoroughfare plan approach to a Comprehensive Transportation Plan (CTP), which would provide a more comprehensive multimodal approach to transportation planning. Mr. Stewart said that in 2007 the Cabarrus-Rowan Metropolitan Planning

Organization (CRMPO) developed the street appendix portion of the CTP, which included future right of way widths and cross sections similar to the old thoroughfare plan. Mr. Stewart added that the street appendix was approved by the Board of Commissioners on April 16, 2007 and became an addendum to the Subdivision Ordinance.

Mr. Stewart said the DOT revised the typical cross sections in 2010, prompting the need to modify the street appendix. Mr. Stewart said Planning Staff had developed revisions to the street appendix that included a like-kind swap of the old versus new DOT cross sections, modified right of way widths, and other revisions.

Mr. Stewart said the Planning Board unanimously recommended approval of the revised street appendix.

Commissioner Sides moved approval of the revised street appendix. The motion was seconded by Commissioner Barber and passed unanimously.

5. CONSIDER APPROVAL OF BID FOR SECURITY FENCING AT ROWAN COUNTY AIRPORT

Rowan County Airport Director Thad Howell presented a bid for Security Fencing at the Rowan County Airport (Airport). Mr. Howell said Rowan County had received a grant from the FAA designated specifically for land acquisition and security fencing. Mr. Howell expressed concern that the airport property was less than 50% fenced.

Mr. Howell discussed the benefits of security fencing. Mr. Howell also discussed the wildlife surrounding the Airport and the fact that the animals can currently wander onto the property, thus increasing the risk of airplane accidents. Mr. Howell said a permit had been granted by the State to allow for removal of deer and turkeys.

Mr. Howell said Staff had contacted Talbert and Bright to design the fencing project and advertise for bids. Mr. Howell stated the grant would require a 10% contribution from Rowan County.

Following the results of the bid, Mr. Howell said it was determined an adjustment should be made concerning a swing gate that would increase the bid by \$10,000.

Mr. Howell said the bid results were presented to the Airport Advisory Board (AAB) where both options were presented. Mr. Howell said the AAB agreed the alternate bid was the most desired option.

Mr. Howell requested the Commissioners approve the security fencing project and to authorize a local match of \$43,998.

Commissioner Coltrain asked how high the proposed fencing would be and Mr. Howell responded 10 feet. Commissioner Coltrain commented that deer have no sense of depth perception. Commissioner Coltrain suggested that Staff pursue the placement of a three dimensional fence around the area to ensure the deer would not attempt to jump the 10 foot fence.

Commissioner Sides moved to approve the alternate bid of \$439,998 with a local match of \$43,998. The motion was seconded by Commissioner Coltrain and passed unanimously.

6. CONSIDER APPROVAL OF RESCUE SQUAD AGREEMENT

County Manager Gary Page presented a contract between Rowan County and Rowan County Rescue, Inc. Mr. Page said the contract was a result of meetings with the Rescue Squad Committee (Committee), the Rescue Squad (Squad) and Volunteer Fire Department (VFD) officials.

Mr. Page said the new contract identified the rescue services requested by the County, set a review date, and did not specify a guaranteed amount of funding.

Chairman Mitchell said the recommendation for approval of the contract was a motion from the Committee that did not require a second.

Commissioner Sides commented that as a member of the Committee, there were good results from the Committee meetings. Commissioner Sides said he felt that a lot of misinformation had been cleared up between not only the Rescue Squad but also the VFD. Commissioner Sides said he supported the contract 100%.

Commissioner Barber said the main change he saw in the new document identified what services the Squad could provide and what the County expected. Commissioner Barber suggested an amendment under item 3 on page 2, which basically related to both public safety entities and gave them the authority to establish their own safety protocol.

Commissioner Barber offered an amendment after the phrase “rescue services” on page 2 under item #3 to insert “and has the authority to set its dispatch protocols”.

Commissioner Sides said the issue of protocol was discussed at the Committee meetings.

Chairman Mitchell said for procedural purposes he would second the motion.

Commissioner Coltrain said the VFD, Squad, 911 and Emergency Services were all involved in the Committee meetings. Commissioner Coltrain said due to population densities, etc., some departments’ lack the manpower at peak hours to respond and those agencies request that 911 go ahead and dispatch the

Squad. Commissioner Coltrain said the Committee did not change the way dispatching was currently being handled but rather wanted it to be more coordinated. Commissioner Coltrain said the Squad has been asked to wait until hearing the 911 dispatch before responding. Commissioner Coltrain said the dispatching was left "open ended" in order to allow the agencies to perform the jobs needed. Commissioner Coltrain said the roles had been clarified and he felt the document before the Board would be good for all parties.

Commissioner Sides said it was determined during the Committee meetings that there were a number of VFD that already had agreements with the Squad and those agencies were requested to put the agreements in writing.

Commissioner Barber said the main reason for his suggestion was to take the guess work out of saving peoples lives. Commissioner Barber said he would like for the Board to give the Squad the authority to establish its own protocol.

The vote to support the amendment failed 1-4 with Commissioners Mitchell, Ford, Coltrain and Sides dissenting.

Upon being put to a vote, the motion on the floor passed 4-1 with Commissioner Barber dissenting.

7. CONSIDER INCREASED BID FOR SURPLUS PROPERTY OFF AMITY HILL ROAD

Mr. Page said the Board voted on March 5, 2012 to declare Tax Map 265 Parcel 030 as surplus and to accept an offer of \$32,000 for the property to begin upset bid process.

Mr. Page said when the final high bid of \$35,474.75 was presented to the Board on April 16, 2012, it was discovered that the current tax value of \$70,000 was substantially higher than the tax value of \$47,736 originally posted on the County's website.

Mr. Page said that on April 16, 2012, the Board moved to delay a decision. Mr. Page said the high bidder had since been contacted and had increased the final high offer to \$45,595.

Mr. Page asked if the Board wished to sell the property and to start the upset bid process again.

Commissioner Sides moved to accept the offer of \$45,595 to begin the upset bid process and if no upset offers were received to sell the property. Commissioner Barber seconded and the motion passed unanimously.

8. REPORTS

The following reports were submitted for the Board's consideration:

- (a) Family Caregiver Support Program
- (b) Child Abuse Prevention Task Force

Commissioner Ford moved to accept the reports as submitted. The motion was seconded by Commissioner Coltrain and passed unanimously.

9. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Finance Director Leslie Heidrick presented the following budget amendments for the Board's consideration:

- Finance – Increase in ABC bottle tax revenue and pass-thru expenditure to PBH -\$5,000; increase in occupancy tax revenue and expenditure to Tourism Development Authority - \$20,000
- RTS – Increase revenues and expenditures for Medicaid Transportation based on projected spending through June 30 - \$168,300
- Social Services – Increase line item for Medicaid Transportation based on projected spending through June 30 - \$188,300
- Social Services – Additional funding received for Share the Warmth - \$106

Commissioner Sides moved approval of the budget amendments as presented. The motion was seconded by Commissioner Coltrain and passed unanimously.

10. CONSIDER APPROVAL OF BOARD APPOINTMENTS

ROWAN COUNTY NURSING HOME ADVISORY COMMITTEE

There are six (6) vacancies on this committee.

- Betty Rufty submitted an application for reappointment. In order to be considered, the Board would need to waive the term limits set forth in the Resolution adopted in September 2009.

The term would be for three (3) years beginning March 1, 2012 and expiring February 28, 2015.

- Mary Hartley has submitted a letter of resignation.

Commissioner Sides moved to waive the term limit as set forth in the Resolution. Commissioner Barber seconded and the motion passed unanimously.

Commissioner Sides nominated Betty Rufty for reappointment and the nomination carried unanimously.

Commissioner Ford moved to accept the Mary Hartley's resignation. The motion was seconded by Commissioner Coltrain and passed unanimously.

ROWAN COUNTY JUVENILE CRIME PREVENTION COUNCIL

As stated in NCGS §143-846, the local school superintendent or that person's designee should serve on the JCPC.

- Dr. Pam Cain, Superintendent of Kannapolis City Schools, submitted an application for consideration to serve as the local school superintendent.

If the Board chooses to make the appointment, there would be no term limits as Dr. Cain would be serving by virtue of the position she holds.

Commissioner Sides nominated Dr. Cain and the nomination passed unanimously.

CITY OF SALISBURY PLANNING BOARD ETJ

- The City of Salisbury requested the appointment of Josh Canup to serve as an ETJ member of the Salisbury Planning Board. The term is for three (3) years beginning March 6, 2012 and expiring March 31, 2015.

Commissioner Coltrain nominated Josh Canup and the nomination passed unanimously.

INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCE AUTHORITY

There are three (3) vacancies due to the following:

- William Sturgess Bryan does not wish to be reappointed (term expired 4-02-2012)
- Buddy Gettys does not wish to be reappointed (term expired 3-31-2012)
- Dwight Fraley passed away in April 2012

In response to an inquiry from Commissioner Barber, County Attorney Jay Dees said the Authority had met approximately two (2) times in the past seven (7) years. Mr. Dees said he was working with the Clerk to the Board to solicit applications for new members.

ROWAN COUNTY LANDMARKS COMMISSION

There are four (4) vacancies on this Commission.

- Belinda Crisco has submitted a letter of resignation

Commissioner Coltrain moved to accept the resignation of Belinda Crisco. Commissioner Barber seconded and the motion passed unanimously.

ADJOURNMENT

Commissioner Barber moved to adjourn at 3:54 pm. The motion was seconded by Commissioner Coltrain and passed unanimously.

Respectfully Submitted,

Carolyn Athey, CMC, NCCCC
Clerk to the Board/
Assistant to the County Manager